REMARKS

Status of Claims

Claim 1 has been amended for clarification and claim 5 has been amended to correct antecedence. No new matter has been added. No other claim has been amended. Claims 1-5 remain in the application.

Claim Objections

Claim 5 stands objected to for lack of antecedent basis for the term "another medical professional." Claim 5 has been amended to provide proper antecedent basis. Withdrawal of the objection to claim 5 is solicited.

Claim Rejections – 35 USC §102(e)

Claim 1 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Sanin et al. (US Pub. No. 2004/0210770). This rejection is respectfully traversed.

The claimed method provides for the exchange of pseudonymous personal information between two or more data storage servers or within a data storage server in which the identities of persons, associated servers and/or associated organizations with which the personal information resides is pseudonymous. The method includes the steps of:

assigning a unique identification (UID) to a person having personal information for storage;

registering the person with a pseudonymous proxy server as a user type with associated pseudonym and set of rules that control the person's access to stored data;

providing a service provider identifier to the person that identifies the person to a service provider;

the pseudonymous proxy server providing both the person's associated pseudonym and the service provider identifier with a random factor;

transmitting a message from the person to the service provider through the pseudonymous proxy server, wherein the pseudonymous proxy server receives the message and, based on said set of rules that control the person's access to stored data, validates a relationship between the person, the service provider and/or a private data owner and transmits the message to the service provider if the relationship between the person and the service provider is validated; and

said pseudonymous proxy server authorizing the person to view the private data owner's actual private data or pseudonyms for said private data based on said set of rules that control the person's access to stored data of said private data owner.

In rejecting claim 1 over Sanin et al., the examiner has equated one of the respective clients (Aleksey and Conor) to the claimed person and equated the claimed service provider to the calendar service. The examiner also has alleged that the identity provider service (IDP) of Sanin et al. corresponds to the claimed pseudonymous proxy server. The examiner then alleged that Sanin et al.'s system performs the claimed method. However, the teachings of Sanin et al. fall short of anticipating amended claim 1 for several reasons.

For example, the IDP of Sanin et al. functions as an authentication service that generates and verifies access codes (or pseudonyms) (paragraph [0025] lines 16-19 and paragraph [0030 lines 1-3). Once the access codes are verified, the respective services (calendars) communicate using "any existing protocols to actually exchange informational data, such as schedule appointments, etc." (paragraph [0033] lines 7-11). However, Sanin et al. do not teach that the IDP provides a "set of rules that control the person's access to stored data" or provides "a service provider identifier to the person that identifies the person to a service provider" with whom the person wishes to communicate as claimed. Apparently, the examiner has confused the service of a calendaring system with a service provider entity that communicates with the person "through the pseudonymous proxy server, wherein the pseudonymous proxy server receives the message and, based on said set of rules that control the person's access to stored data, validates a relationship between the person, the service provider and/or a private data owner and transmits the message to the service provider if the relationship between the person and the service provider is validated." In other words, a "calendaring system" is not a "service provider" in the context of the claimed method. Also, the pseudonymous proxy server authorizes the person to "view the private data owner's actual private data or pseudonyms for said private data based on said set of rules that control the person's access to stored data of said private data owner." The IDP of Sanin et al. does not perform these functions.

In contrast with the claimed method, Sanin et al. provides a URI of a first person's service (calendar service) and a pseudonym of the first person to the second person where the information is stored. The second person's IDP uses the second person's identity information

and the URI of the first person's service to generate a pseudonym for the second person. Thus, the pseudonym of the second person is bound to the second person's ID and the URI of the first person's service. This limits the use of the pseudonym to communications with the first person only (paragraph [0029]). It is apparent from these teachings that Sanin et al. do not provide a service provider identifier as claimed in that no service provider identifier is provided to the person that is to transmit a message to the service provider and does not validate the communication based on the set of rules. As noted above, Sanin et al. provide pseudonyms for particular communications between individuals and tie the communications to a particular service. Once the parties are validated, communications proceed according to conventional protocols. The subsequent communications are not routed through a pseudonymous proxy server (or the IDP for that matter) for a determination if the set of rules permit the communication or to determine whether to permit data to be viewed by the requesting person. Moreover, as noted above, the calendaring system is not a "service provider" in the context of the claimed method.

The claim amendments make these distinctions more clear. Given that all of the claimed features are not taught by Sanin et al., the claimed method cannot be anticipated by Sanin et al. Withdrawal of the rejection of claim 1 as being anticipated by Sanin et al. is appropriate and is solicited.

Claim Rejections – 35 USC §103(a)

Claims 1 and 4 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable as obvious over Sanin et al. (US Pub. No. 2004/0210770) in view of Arnold (US Pub. No. 2004/0199782). Also, claims 2-4 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable as obvious over Sanin et al. alone or combined with Arnold in view of "what is well known in the art." These rejections are respectfully traversed.

As noted above, Sanin et al. do not teach sending messages from a person to a service provider through a pseudonymous proxy server and limiting access to private data based on a set of rules control a person's access to stored data. As acknowledged by the examiner, Sanin et al. are silent regarding the use of a set of rules to validate relationships and to control access to stored data. However, the examiner cites Arnold as teaching these features and alleges that it would have been obvious to add such features to the teachings of Sanin et al. As noted above, Sanin et al. do not teach validating the relationship between the person and

the service provider for communications after the person has been validated and does not therefore suggest the need for a mechanism whereby the IDP would provide privacy headers based on Arnold's teachings. In other words, while Sanin et al. allow pseudonymous sharing of services such as calendaring services, Sanin et al. do not teach managing access to data by individuals or entities with or without rules. Thus, even if the teachings of Arnold relating to rules for enhancing privacy of stored data were applied to the teachings of Sanin et al. as the examiner suggests, the claimed invention would not have resulted. Withdrawal of the rejection of claims 1-4 is solicited.

Claims 1 and 5 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable as obvious over Christ et al. (DE 10327291) in view of Sanin et al. (US Pub. No. 2004/0210770). Also, claims 2 and 3 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable as obvious over Christ et al. and Sanin et al. in view of "what is well known in the art." In addition, claim 4 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable as obvious over Christ et al. (and presumably Sanin et al.?) in view of "what is well known in the art." These rejections are respectfully traversed.

The German patent application of Christ et al. was filed in Germany on June 17, 2003 and published on February 17, 2005. The present application was filed in the United States on July 18, 2003. Thus, the Christ et al. patent application was not filed in the United States before the present application and not published before the filing date of the present application. Accordingly, Applicant submits that the Christ et al. patent application is not available as prior art to the present application under any section of 35 U.S.C. §102. Accordingly, all rejections including Christ et al. are improper and should be withdrawn. Withdrawal of the rejection of claims 1-5 is respectfully solicited.

Finally, the examiner is asked to note Applicant's claim to priority to U.S. Provisional Patent Application No. 60/396,560 filed July 18, 2002 (see page 1 of specification). Applicant notes that the disclosure of that provisional application predates the prior art date of Sanin et al. (April 17, 2003) and Arnold (April 1, 2003). Thus, if the examiner is inclined to maintain any of the prior art rejections, he is encouraged to consider the disclosure of the provisional application as it predates each of the cited documents relied upon by the examiner.

Conclusion

In view of the above amendments and remarks, claims 1-5 are believed to be in condition for allowance. A Notice of Allowability is respectfully solicited.

Date: March 24, 2008

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